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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**DONALD WORTMAN, WILLIAM
ADAMS, MARGARET GARCIA,
individually and on behalf of all others
similarly situated,**

Plaintiffs,

vs.

**AIR NEW ZEALAND, ALL NIPPON
AIRWAYS, CATHAY PACIFIC
AIRWAYS, CHINA AIRLINES, EVA
AIRWAYS, JAPAN AIRLINES
INTERNATIONAL, MALAYSIA
AIRLINES, NORTHWEST AIRLINES,
QANTAS AIRWAYS, SINGAPORE
AIRLINES, THAI AIRWAYS,**

Defendants.

Case No. 07-cv-05634-CRB

**STIPULATION PURSUANT TO
LOCAL RULE 6-1 EXTENDING TIME
FOR DEFENDANT ALL NIPPON
AIRWAYS CO, LTD. TO RESPOND
TO COMPLAINT & AGREEMENT OF
DEFENSE COUNSEL TO ACCEPT
SERVICE OF COMPLAINT**

The Honorable Charles R. Breyer
Complaint filed November 6, 2007

1 WHEREAS the undersigned plaintiffs have filed the above-captioned case;

2 WHEREAS multiple complaints have been filed to date in federal district courts
3 throughout the United States by plaintiffs purporting to bring class actions on behalf of
4 purchasers of passenger air transportation services containing transpacific flight segments
5 (collectively "the Transpacific Air Passenger cases");

6 WHEREAS on February 19, 2008, the Judicial Panel on Multidistrict Litigation
7 entered an order to transfer various Transpacific Air Passenger cases to this jurisdiction for
8 coordinated and consolidated pretrial proceedings pursuant to 28 U.S.C. Section 1407;

9 WHEREAS plaintiffs anticipate the possibility of filing a Consolidated Amended
10 Complaint in the Transpacific Air Passenger cases;

11 WHEREAS plaintiffs and All Nippon Airways Co., Ltd. have agreed that an orderly
12 schedule for any response to the pleadings in the Transpacific Air Passenger cases would
13 be more efficient for the parties and for the Court;

14 PURSUANT TO LOCAL RULE 6-1(a), PLAINTIFFS AND DEFENDANT ALL
15 NIPPON AIRWAYS CO., LTD., BY AND THROUGH THEIR RESPECTIVE
16 COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

17 1. The deadline for All Nippon Airways Co., Ltd. to answer, move, or
18 otherwise respond to plaintiffs' Complaint shall be extended until forty-five (45) days after
19 the filing of a Consolidated Amended Complaint in the Transpacific Air Passenger cases,
20 or, forty-five (45) days after filing and service of notice that no Consolidated Amended
21 Complaint will be filed in the Transpacific Air Passenger cases, or such other times as the
22 parties may jointly agree to in writing.

23 2. This Stipulation does not constitute a waiver by All Nippon Airways Co.,
24 Ltd., of any defense, including but not limited to the defenses of lack of personal
25 jurisdiction, lack of subject matter jurisdiction, or improper venue.

26 3. For purposes of proceedings in the United States of America, counsel for All
27 Nippon Airways Co., Ltd. shall accept service on behalf of All Nippon Airways Co., Ltd. of
28

1 the summons and complaint in the above-captioned matter, including any amended or
2 consolidated complaint, and further, that All Nippon Airways Co., Ltd. shall not contest
3 sufficiency of process or service of process in any United States court. Nothing in this
4 paragraph shall obligate All Nippon Airways Co., Ltd. to answer, move, or otherwise
5 respond to any complaint until the time provided in paragraph 1. Additionally, Defendant
6 does not waive any defense under the laws of any foreign nation, or any grounds for
7 challenge to the enforceability of any potential future judgment outside of the United of
8 America, including specifically in Japan, except insofar as such challenges or defenses are
9 based on the sufficiency of process or service of process in this case or the consolidated
10 Transpacific Air Passenger cases.

11
12 IT IS SO STIPULATED.

13
14 DATED: February 22, 2008

By:


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*Attorneys for Defendant All Nippon
Airways Co., Ltd.*

1 DATED: February 22, 2008

By: /s/ Neil Swartzberg

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*Attorneys for Plaintiffs Wortman, Adams,
and Garcia and the Proposed Class*

14 ATTESTATION OF CONCURRENCE IN FILING

15 Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), I, Adam Brezine, hereby
16 attest that concurrence in the filing of this stipulation and proposed order has been obtained from
17 Counsel for Plaintiffs and the Proposed Class who has provided the conformed signature above.

19 HOLME ROBERTS & OWEN LLP

20 By: *Adam Brezine*

21 Adam Brezine

22 *Attorneys for Defendant All Nippon*
23 *Airways Co., Ltd.*

25 Dated: February 26, 2008

